

MONDAY, FEBRUARY 14, 1994

SIXTY-THIRD LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Jeff Bell, Crieve Hall Church of Christ, Nashville, Tennessee.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, February 16, 1994:

House Resolution No. 0131 -- Memorials, Professional Achievement -- Excel Telecommunications, Inc. by *Hargrove.

House Joint Resolution No. 0447 -- Memorials, Academic Achievement -- Jeffrey Benson, nationally recognized Middle Tennessee State University senior. by *Bragg.

House Joint Resolution No. 0449 -- Memorials, Public Service -- Lucy Shaw, President/CEO of THE MED. by *Dixon.

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**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Wednesday, February 16, 1994:

Senate Joint Resolution No. 0300 -- Memorials, Death -- Willella Waggoner.

Senate Joint Resolution No. 0302 -- Memorials, Death -- Joe Kraft, Nashville community leader.

Senate Joint Resolution No. 0303 -- Memorials, Death -- Dr. Mary Brock Duffy, former director of Knox County Health Department.

Senate Joint Resolution No. 0304 -- Memorials, Personal Achievement -- Amy Lynn Neely, Tennessee Fairest of the Fair.

Senate Joint Resolution No. 0316 -- Memorials, Personal Occasion -- Rachel Elizabeth Williams, 63rd birthday.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were Held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1324** -- Alcoholic Offenses -- Prohibits consumption or possession of alcoholic beverages in motor vehicle while in operation. (HB 1241).

***Senate Bill No. 1674** -- Juries and Jurors -- Excuses from jury service persons 70 years of age or older who request to be excused in writing. Amends TCA, Title 22, Ch. 1. (HB 1816).

***Senate Bill No. 1684** -- Traffic Safety -- Prohibits transporting children under age of 12 in beds of certain motor vehicles; provides for exemptions. Amends TCA, Title 55, Ch. 8, Pt. 1. (HB 1855).

***Senate Bill No. 1748** -- Local Education Agency -- Authorizes local boards of education to promulgate and adopt rules and regulations prohibiting secondary school students from wearing clothing or accessories which denote membership in or affiliation with any gang associated with criminal activities while on school property. Amends TCA, Title 49, Ch. 6. (HB 2009).

***Senate Bill No. 1760** -- Taxes, Sales -- Clarifies application of sales and use tax to optical laboratories which manufacture prescription eyewear primarily for sale outside of Tennessee. Amends TCA 67-6-102, 67-6-316. (HB 1996).

***Senate Bill No. 1765** -- Courts, General Sessions -- Grants

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jurisdiction to Davidson County General Sessions Court to hear involuntary mental health commitment cases. Amends TCA 33-3-603. (HB 1865).

***Senate Bill No. 1889** -- Sunset Laws -- Department of commerce and insurance, June 30, 2002. Amends TCA, Title 4, Chs. 3, 29. (HB 1965).

***Senate Bill No. 1993** -- Osteopathy -- Revises scope of practice of osteopathic medicine to conform with definition recognized by American Osteopathic Medical Association; conforms language in TCA to eliminate references to osteopath to currently recognized usage. Amends TCA, Titles 33, 34, 37, 63, 63-9-106. (HB 2299).

***Senate Bill No. 1894** -- Sunset Laws -- Board of electrolysis examiners, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 26. (HB 1955).

***Senate Bill No. 1896** -- Sunset Laws -- Gibson County water project authority, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1. (HB 1957).

***Senate Bill No. 1897** -- Sunset Laws -- Medicaid program cost savings suggestion program board, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 71, Ch. 5. (HB 1956).

***Senate Bill No. 1899** -- Sunset Laws -- Earthquake information center, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 8. (HB 1970).

***Senate Bill No. 1900** -- Sunset Laws -- Employee suggestion award board, June 30, 2002. Amends TCA, Title 4, Chs. 27, 29. (HB 1968).

***Senate Bill No. 1904** -- Sunset Laws -- Sentencing commission, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 40, Ch. 37. (HB 1973).

***Senate Bill No. 1905** -- Sunset Laws -- Enterprise zone management board, June 30, 1998. Amends TCA, Title 4, Ch. 29; Title 13, Ch. 28. (HB 1971).

***Senate Bill No. 1957** -- Public Records -- Authorizes transfer of public records in criminal investigation from district attorney general or criminal court clerk to museum, library, university or not for profit corporation if such records are of historical significance. Amends TCA, Title 10, Ch. 7, Pt. 5. (HB 2734).

***Senate Bill No. 1975** -- Local Government, General -- Authorizes human resource agencies to borrow funds when such funds properly secured by grant funds receivable. Amends TCA 13-26-105. (HB 2200).

***Senate Bill No. 1979** -- Marriage -- Requires both applicants for marriage license to appear before county clerk and the

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application must contain social security number of both applicants and be sworn to by both applicants. Amends TCA 36-3-104. (HB 1807).

***Senate Bill No. 2006 -- Garnishments and Executions --** Requires garnishment of compensation due from employer to and upon full payment of judgment and costs, rather than ending after three months. Amends TCA, Title 26, Ch. 2, Pt. 2. (HB 2386).

***Senate Bill No. 2374 -- Taxes, Real Property --** Makes equivalent references to tax deed for property sold for delinquent taxes and court decree entered in delinquent tax case. Amends TCA, Title 67, Ch. 5. (HB 2189).

CONSENT CALENDAR

House Bill No. 2357 -- Newbern -- Revises charter; revises requirements for voters and candidates in elections for board of mayor and aldermen. Amends Chapter 450, Acts of 1901, as amended.

House Bill No. 2361 -- Brighton -- Changes date of election; authorizes board of aldermen to set marshal's salary. Amends Chapter 98, Private Acts of 1977, as amended.

House Bill No. 2385 -- Hardin County -- Revises charter to limit terms of county school commissions to four year staggered terms. Amends Chapter 709, Private Acts of 1923, as amended.

House Bill No. 2416 -- Newport -- Moves date for election of city officers from the first Tuesday in December to regular November election. Amends Chapter 104, Acts of 1903, as amended.

House Bill No. 2445 -- Bledsoe County -- Revises charter relative to election and terms of county school board members. Amends Chapters 56, 463, Private Acts of 1951, as amended.

House Bill No. 2462 -- Warren County -- Revises composition and terms of office of board of education. Amends Chapter 62, Private Acts of 1969, as amended.

House Bill No. 2489 -- Dyer County -- Confers probate jurisdiction in Dyer County upon the general sessions court of Dyer County.

House Joint Resolution No. 0445 -- Memorials, Death -- Clyde Earnest Phillips.

House Joint Resolution No. 0446 -- Memorials, Public Service -- Fay Campbell, Manchester.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate

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and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1940 -- Sunset Laws -- Savings institution collateral pool board, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 4.

Rep. Kernell moved that **House Bill No. 1940** be re-referred to the Government Operations Committee, which motion prevailed.

House Bill No. 1949 -- Sunset Laws -- Security for public deposits task force, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 4.

Rep. Kernell moved that **House Bill No. 1949** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel,

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McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1949 and have this statement entered in the Journal: Rep(s). Thompson.

REGULAR CALENDAR, CONTINUED

House Bill No. 1952 -- Sunset Laws -- State trust of Tennessee, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 4.

On motion, House Bill No. 1952 was made to conform with **Senate Bill No. 1910**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 1910** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1958 -- Sunset Laws -- Institute for labor studies, June 30, 2002. Amends TCA, Title 4, Chs. 29, 32.

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On motion, House Bill No. 1958 was made to conform with **Senate Bill No. 1840**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 1840** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1963 -- Sunset Laws -- Terminates statewide labor educational association advisory committee. Amends TCA, Title 4, Chs. 29, 32.

Rep. Kernell moved that **House Bill No. 1963** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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House Bill No. 1972 -- Sunset Laws -- Terminates executive steering committee. Amends TCA, Title 4, Chs. 29, 32.

Rep. Kernell moved that **House Bill No. 1972** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1976 -- Sunset Laws -- Bank collateral pool board, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 4.

Rep. Kernell moved that **House Bill No. 1976** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

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Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

House Bill No. 1988 -- Sunset Laws -- Tennessee motor vehicle commission, June 30, 1998. Amends TCA, Title 4, Ch. 29; Title 55, Ch. 17.

On motion, House Bill No. 1988 was made to conform with **Senate Bill No. 1915**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 1915** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1751 -- Public Service Commission -- Permits public utility to transfer its authority for operation as radio common carrier with PSC approval notwithstanding other requirements for certificate of convenience and necessity. Amends TCA, Title 65, Ch. 4, Pt. 1.

On motion, House Bill No. 1751 was made to conform with **Senate Bill No. 1753**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 1753** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1851 -- Real Estate Agents and Brokers --**
Establishes notification and revocation policy for licenses. Amends TCA, Title 62, Ch. 13.

Rep. Rhinehart moved that House Bill No. 1851 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1851 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 62, Chapter 13, Part 2, is amended by adding the following new section:

The commission shall have a full time general counsel. The general counsel shall be a graduate of an accredited law school and admitted to practice law in Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 1851, as amended, be passed on third and final consideration.

Rep. Meyers moved the previous question, which motion prevailed.

House Bill No. 1851, as amended, passed on third and final consideration by the following vote:

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Ayes.	90
Noes.	3
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Allen, Shirley, Turner (Shelby) -- 3.

Representatives present and not voting were: Miller, Stamps -- 2.

A motion to reconsider was tabled.

House Bill No. 1866 -- Banks and Financial Institutions -- Provides that financial institution or its officers or employees are not acting as fiduciary to customers or third parties, except if written agency or trust agreement exists. Amends TCA, Title 45, Ch. 1.

Rep. Rhinehart moved that House Bill No. 1866 be reset one week to the Calendar for Wednesday, February 23, 1994, which motion prevailed.

House Bill No. 1867 -- Banks and Financial Institutions -- Revises banking law. Amends TCA, Title 45, Chs. 1--3.

On motion, House Bill No. 1867 was made to conform with **Senate Bill No. 1817**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 1817** be passed on third and final consideration.

Rep. Rhinehart moved that Senate Bill No. 1817 be reset to the Calendar for Wednesday, February 16, 1994, which motion prevailed.

House Resolution No. 0128 -- Memorials, Academic Achievement -- Jeffrey Benson, nationally recognized Middle Tennessee State University senior.

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Further consideration of House Resolution No. 128, previously considered on Thursday, February 10, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for February 14, 1994.

On motion of Rep. Bragg, House Resolution No. 128 was withdrawn from the House.

RESOLUTION WITHDRAWN

On motion of Rep. Bragg, House Resolution No. 127 was recalled from the Conservation and Environment Committee and withdrawn from the House.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Phillips, House Bill No. 2059 was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Knight, House Bill No. 2138 was recalled from the Conservation and Environment Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, February 16, 1994:

House Joint Resolution No. 307: Rep. Love.

**MESSAGE FROM THE SENATE
February 14, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 318; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0318 -- Memorials, Congratulations -- Sons of the Revolution, 100th anniversary. by *Atchley.

RULES SUSPENDED

Rep. Bittle moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 318 out of order, which motion prevailed.

Senate Joint Resolution No. 0318 -- Memorials, Congratulations

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-- Sons of the Revolution, 100th anniversary. by *Atchley.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Bittle, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1025: Rep(s). Kent as prime sponsor(s).

House Bill No. 1761: Rep(s). Garrett and Odom as prime sponsor(s).

House Bill No. 2095: Rep(s). Peroulas Draper, Kent and Whitson as prime sponsor(s).

House Joint Resolution No. 395: Rep(s). Pruitt as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR
February 14, 1994**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 380, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 396, 398, 402 and 407, with his approval.

DAVID H. WELLES, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR
February 14, 1994**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 403, with his approval.

DAVID H. WELLES, Counsel to the Governor.

**ENROLLED BILLS
February 14, 1994**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2125, 2126, 2133, 2209, 2243 and 2279; also, House Joint

MONDAY, FEBRUARY 14, 1994 -- SIXTY-THIRD LEGISLATIVE DAY

Resolution(s) No(s). 211, 417, 418, 419, 420, 421, 425, 426 and 430.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
February 14, 1994**

The Speaker signed the following: House Bill(s) No(s). 2125, 2126, 2133, 2209, 2243 and 2279; also, House Joint Resolution(s) No(s). 211, 417, 418, 419, 420, 421, 425, 426 and 430.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 14, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 443 and 444; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
February 14, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1851, 1949, 1963, 1972, 1976, 2357, 2361, 2385, 2416, 2445, 2462 and 2489; also, House Joint Resolution(s) No(s). 445 and 446.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 14, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 282, 283, 284, 286, 289, 291, 297, 313 and 314; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 14, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2125, 2126, 2133, 2209, 2243 and 2279; also, House Joint Resolution(s) No(s). 211, 405, 406, 408, 410, 411, 414, 417, 418, 419, 420, 421, 425, 426 and 430; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
February 14, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 422, 436 and 437; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
February 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 305, 307, 308 and 309; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0305 -- Memorials, Death -- Dr. Parker David Elrod. by *Springer.

Senate Joint Resolution No. 0307 -- Memorials, Sports -- 1993 Millington Central High School football team. by *Leatherwood, *Kyle.

Senate Joint Resolution No. 0308 -- Memorials, Public Service -- Evelyn Taylor. by *Cohen, *Kyle.

Senate Joint Resolution No. 0309 -- Memorials, Recognition and Thanks -- Rev. W. M. Fields, Jr. by *Ford, *Kyle.

MESSAGE FROM THE SENATE
February 14, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1763, 1764, 1767, 1783, 1805, 1807, 1844, 1867, 1869, 1949, 1950, 1971, 2074, 2366, 2396, 2399 and 2428; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 1763 -- Surveyors -- Authorizes board for land surveyors to permit registered land surveyors to perform limited non-monumentative surveying procedure called "mortgage loan inspection"; establishes minimum standards. Amends TCA 62-18-126. by *Haynes.

*Senate Bill No. 1764 -- Surveyors -- Revises qualifications for eligibility to register as professional land surveyor effective July 1, 2000. Amends TCA 62-18-109. by *Haynes.

Senate Bill No. 1767 -- DUI/DWI Offenses -- Allows judge to order ignition interlock device on car used to commit DUI during time of operator's driver license suspension if he has prior

conviction for driving on suspended license or if license was suspended at time of DUI. Amends TCA 55-10-412. by *Crowe, *Cohen, *McKnight.

***Senate Bill No. 1783** -- District Attorneys -- Creates assistant district attorney general and criminal investigator positions in 21st judicial district. Amends TCA 16-2-506. by *Jordan.

***Senate Bill No. 1805** -- Courts, Criminal Appeal -- Expands jurisdiction to include cases where sole issue is constitutionality of statute or ordinance. Amends TCA 16-5-108. by *Person, *Crutchfield, *Cohen.

***Senate Bill No. 1807** -- Courts, Supreme Court of Tennessee -- Allows chief justice to establish clerk's staff members' salaries; adds clerk to commission to control supreme court building. Amends TCA, Title 8, Ch. 23; Title 16, Ch. 3; Title 20, Ch. 9. by *Person, *Crutchfield, *Cohen.

***Senate Bill No. 1844** -- Courts -- Authorizes appointment of court officers in Davidson County when certain conditions have been met. Amends TCA 8-8-201. by *Haynes.

***Senate Bill No. 1867** -- Highways, Roads and Bridges -- Prohibits new outdoor advertising along I-181 outside of incorporated municipalities. Amends TCA, Title 54, Ch. 21. by *Crowe.

***Senate Bill No. 1869** -- Judgments -- Deletes general sessions court jurisdictional limits on monetary damages from cases removed to courts of appeals. Amends TCA 16-15-732. by *Haynes, *Person, *Cohen.

***Senate Bill No. 1949** -- Insurance, Credit Life -- Permits issuance of more than one policy or group certificate for credit disability insurance on loans with more than one borrower. Amends TCA 45-5-305. by *Cooper.

***Senate Bill No. 1950** -- Insurance Companies, Agents, Brokers -- Permits sale of involuntary unemployment credit insurance by holder of limited insurance representative license without examination. Amends TCA 56-6-138. by *Cooper.

***Senate Bill No. 1971** -- Juvenile Offenders -- Authorizes photographs of juveniles under investigation of delinquent acts. Amends TCA 37-1-155. by *McKnight, *Hamilton, *Springer, *Haynes.

***Senate Bill No. 2074** -- Motor Vehicles, Titling and Registration -- Allows issuance of cultural license plates for two year as well as four year college or university within Tennessee. Amends TCA 55-4-301. by *Crutchfield, *Cohen, *McKnight.

***Senate Bill No. 2366** -- Highway Signs -- "A. J. Sanderson Memorial Parkway," proposed U.S. 64, Bolivar. by *Wilder.

***Senate Bill No. 2396** -- Juries and Jurors -- Permits board of jury commissioners in county having metropolitan government to employ person other than circuit court clerk to serve as clerk of board; makes selection subject to approval of state trial judges in such county. Amends TCA 22-2-204. by *Haynes.

***Senate Bill No. 2399** -- Highway Signs -- "Keith L. Moore Memorial Highway," U.S. Highway 79 from Milan to Humboldt. by *McKnight.

Senate Bill No. 2428 -- Highway Signs -- "Wesley Nicks Bridge," Dyersburg; "Tom Presgrove Bridge," Highway 78; "Korean War Veterans Memorial Highway," portion of Highway 104, Dyer County. by *Hamilton, *McKnight.

CONSENT CALENDAR
February 14, 1994

The following local bills have been placed on the Consent Calendar for **Wednesday, February 23, 1994**: House Bill(s) Nos(s). 2646, 2663, 2664, 2665, 2713, 2836, 2837, 2838 and 2839.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, February 16, 1994.